

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RASHAWN J. PRATT,

Plaintiff,

vs.

5:09-CV-1278  
(NAM)(ATB)

BUFFALO WILD WINGS,

Defendant.

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APPEARANCES:

Rashawn J. Pratt  
Plaintiff, *Pro Se*

**Norman A. Mordue, Chief U. S. District Judge**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 8<sup>th</sup> day of February, 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

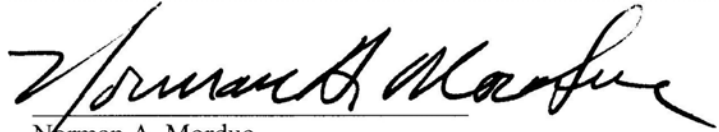
1. The Report-Recommendation is hereby adopted in its entirety.
2. The plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. No. 2) is denied for failure to properly move for leave to proceed *in forma pauperis*.
3. This action is dismissed without prejudice for failure to properly move for leave to proceed *in forma pauperis* and pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) for failure to state a

claim. The clerk shall enter judgment accordingly.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Date: March 2, 2010  
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue". The signature is fluid and cursive, with a large initial "N" and "M".

Norman A. Mordue  
Chief United States District Court Judge

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